

## 1 UNITED STATES DISTRICT COURT

## 2 DISTRICT OF NEVADA

3 DARRIANA HUMPHREY,

Case No. 2:24-cv-00116-GMN-EJY

4 Plaintiff

ORDER

5 v.

6 HENDERSON COUNTY DETENTION  
7 CENTER, *et al.*,

8 Defendants

9

10 Plaintiff Darriana Humphrey filed this civil-rights action under 42 U.S.C. § 1983  
11 while she was detained at Henderson Detention Center. (ECF No. 1-1 at 1.) On  
12 December 10, 2024, the Court ordered Plaintiff to file a second amended complaint by  
13 January 9, 2025. (ECF No. 23.) The Court warned Plaintiff that the action could be  
14 dismissed if she failed to file a second amended complaint by that deadline. (*Id.* at 6–7.)  
15 That deadline expired and Plaintiff did not file a second amended complaint, move for an  
16 extension, or otherwise respond. Mail sent to Plaintiff from the Court is also being  
17 returned as undeliverable. (ECF No. 24.)

18 District courts have the inherent power to control their dockets and “[i]n the  
19 exercise of that power, they may impose sanctions including, where appropriate . . .  
20 dismissal” of a case. *Thompson v. Hous. Auth. of City of L.A.*, 782 F.2d 829, 831 (9th Cir.  
21 1986). A court may dismiss an action based on a party’s failure to obey a court order or  
22 comply with local rules. See *Carey v. King*, 856 F.2d 1439, 1440–41 (9th Cir. 1988)  
23 (affirming dismissal for failure to comply with local rule requiring pro se plaintiffs to keep  
24 court apprised of address); *Malone v. U.S. Postal Serv.*, 833 F.2d 128, 130 (9th Cir. 1987)  
25 (dismissal for failure to comply with court order). In determining whether to dismiss an  
26 action on one of these grounds, the Court must consider: (1) the public’s interest in  
27 expeditious resolution of litigation; (2) the Court’s need to manage its docket; (3) the risk  
28 of prejudice to the defendants; (4) the public policy favoring disposition of cases on their

1 merits; and (5) the availability of less drastic alternatives. See *In re Phenylpropanolamine*  
 2 *Prod. Liab. Litig.*, 460 F.3d 1217, 1226 (9th Cir. 2006) (quoting *Malone*, 833 F.2d at 130).

3 The first two factors, the public's interest in expeditiously resolving this litigation  
 4 and the Court's interest in managing its docket, weigh in favor of dismissing Plaintiff's  
 5 claims. The third factor, risk of prejudice to defendants, also weighs in favor of dismissal  
 6 because a presumption of injury arises from the occurrence of unreasonable delay in filing  
 7 a pleading ordered by the Court or prosecuting an action. See *Anderson v. Air West*, 542  
 8 F.2d 522, 524 (9th Cir. 1976). The fourth factor—the public policy favoring disposition of  
 9 cases on their merits—is greatly outweighed by the factors favoring dismissal.

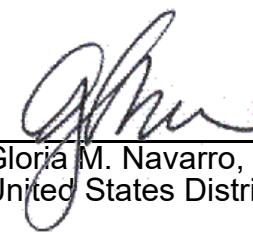
10 The fifth factor requires the Court to consider whether less drastic alternatives can  
 11 be used to correct the party's failure that brought about the Court's need to consider  
 12 dismissal. See *Yourish v. Cal. Amplifier*, 191 F.3d 983, 992 (9th Cir. 1999) (explaining  
 13 that considering less drastic alternatives *before* the party has disobeyed a court order  
 14 does not satisfy this factor); *accord Pagtalunan v. Galaza*, 291 F.3d 639, 643 & n.4 (9th  
 15 Cir. 2002) (explaining that “the persuasive force of” earlier Ninth Circuit cases that  
 16 “implicitly accepted pursuit of less drastic alternatives prior to disobedience of the court’s  
 17 order as satisfying this element[,]” i.e., like the “initial granting of leave to amend coupled  
 18 with the warning of dismissal for failure to comply[,]” have been “eroded” by *Yourish*).  
 19 Courts “need not exhaust every sanction short of dismissal before finally dismissing a  
 20 case, but must explore possible and meaningful alternatives.” *Henderson v. Duncan*, 779  
 21 F.2d 1421, 1424 (9th Cir. 1986). Because this action cannot realistically proceed until  
 22 and unless Plaintiff files a second amended complaint, the only alternative is to enter a  
 23 second order setting another deadline. But without an updated address for Plaintiff, the  
 24 likelihood that the second order would even reach Plaintiff is low, so issuing a second  
 25 order will only delay the inevitable and further squander the Court’s finite resources.  
 26 Setting another deadline is not a meaningful alternative given these circumstances. So  
 27 the fifth factor favors dismissal.

28 Having thoroughly considered these dismissal factors, the Court finds that they

1 weigh in favor of dismissal. It is therefore ordered that this action is dismissed without  
2 prejudice based on Plaintiff's failure to file a second amended complaint in compliance  
3 with this Court's December 10, 2024, Order. The Clerk of Court is directed to enter  
4 judgment accordingly and close this case. No other documents may be filed in this now-  
5 closed case. If Plaintiff wishes to pursue her claims, she must file a complaint in a new  
6 case.

7 DATED: January 23, 2025

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Gloria M. Navarro, Judge  
United States District Court